

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

<b>KYLE LYNN, on Behalf of Himself and Others Similarly Situated,</b>	]	CASE NO. 5:14-cv-17-DAE
	]	
	]	
<i>Plaintiffs,</i>	]	
	]	
v.	]	COLLECTIVE ACTION
	]	
<b>DRILL CUTTINGS DISPOSAL COMPANY,</b>	]	
	]	
<i>Defendant.</i>	]	
	]	

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**PLAINTIFFS' CONSENT TO ARBITRATION**

Drill Cuttings Disposal Company (DCDC) moved to compel arbitration of Kyle Lynn and the opt-in plaintiffs' claims. *See* Doc. 29. Although DCDC failed to produce arbitration agreements signed by Lynn and Shawn Sonnier, Plaintiffs are prepared to proceed in arbitration. Therefore, Lynn, on behalf of himself and the opt-in plaintiffs, consents to arbitration. Indeed, Lynn has already filed a demand for arbitration with the American Arbitration Association on behalf of himself and others similarly situated.

Because all parties have agreed to arbitrate this case, this matter may be dismissed without prejudice pending arbitration. *Peschard v. Datamark, Inc.*, No. EP-05-CA-090-PRM, 2005 WL 1939173, at \*3 (W.D. Tex. Aug. 10, 2005).<sup>1</sup>

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<sup>1</sup> DCDC's proposed order requests a dismissal *with* prejudice, but this is clearly improper.

Respectfully submitted,

**BRUCKNER BURCH PLLC**

**/s/ Rex Burch**

By: \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I served this document on Defendant via the Court's ECF system.

**/s/ Rex Burch**

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Richard J. (Rex) Burch